

Patent
09/938,688

REMARKS

Claims 1, 3-4 and 6-19 are pending. Claims 1, 11 and 18 are independent claims.

Claims 1, 3-4 and 6-19 were finally rejected under Section 103(a) as being unpatentable over Shen. Applicant again respectfully traverses the outstanding rejection and submits that each of independent Claims 1, 11 and 18 is patentable over Shen. Reconsideration is requested.

In response to the (first) Response After Final filed on January 28, 2004, by Applicant's undersigned representative, the February 17, 2004 Advisory Action states that "Applicant has argued that it would not make sense to 'break out' a 'local gateway' from the device of Shen et al., however the rejection does not state that a local gateway is 'broken out' nor is there any need to assume that it is for Shen et al. to read on the independent claims".

Applicants respectfully disagree with the above recited statement of the Examiner.

In fact, as specifically admitted in the final Office Action, "Shen et al. differ from claim 1 in that he fails to disclose that the gateway is local".

Therefore, the teachings of Shen (which the final Action acknowledges, does not disclose that the gateway is local) must in fact be somehow "modified" to read upon independent Claim 1, which recites a method for providing enhanced dial-up capabilities to a network connection in which a telephone number is forwarded from a centrally located dial server to a local gateway that has a connection to a network, wherein the audio connection between the telephone and the centrally located dial server is formed across the gateway.

Again, the telephony server 32 of Shen is very clearly defined to be a centrally located server with which a user communicates over a telephone communication device. The server can then "select to route the call...through a PSTN connection...and/or Internet channel" (para [0017]).

Shen is specifically directed to a computer-implemented voice markup language-based server in which a user communicates with the telephony server which retrieves a voice

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application over a computer network from a remote web site and then uses it to have a speech-based conversation with the user.

The allegation in the final Action that since Shen discloses selecting "whether to route the call via the Internet or via the PSTN based on the cost of the call....[and]...local PSTN calls are free (low cost)...it would have been obvious...to make the gateway local to achieve the advantage of reducing the cost of making calls", relies upon impermissible hindsight, based on Applicant's very own teachings, to arrive at the proposed rejection based on Shen.

Again, the final Action relies upon "telephony server 32" of Shen as allegedly reading upon Applicant's recited "local gateway" and "centrally located dial server" connected to the gateway. Shen does not in any way teach or suggest establishing an audio connection between a telephone and a centrally located dial server,and forwarding the telephone number from the centrally located dial server to a local gateway that has a connection to a network.

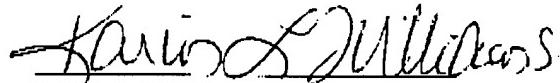
For all of the foregoing reasons, Applicant respectfully submits that each of independent Claims 1, 11 and 18 is patentable over Shen. Dependent Claims 3, 4, 6-10, 12-17 and 19 are believed patentable over Shen for the same reasons as submitted above with respect to independent Claims 1, 11 and 18, one or another from which they depend and as reciting additional distinguishing limitations.

It is respectfully submitted that in regard to the above remarks that Claims 1, 3-4 and 6-19 are patentable over the art of record. Should the Examiner be of the view that an interview would expedite consideration of this Second Response After Final, or of the application at large, request

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is made that the Examiner telephone the Applicant's undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,


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I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (703) 872-9315 on March 1, 2004.

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Please See Attached: Second Response After Final

*Second Response after Final Rejection
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